

REMARKS

Claims 1-15 are pending in the Application. Claims 1-15 are rejected under 35 U.S.C. § 102(e). Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request that the Examiner reconsider and withdraw these rejections.

Applicants thank the Examiner for discussing the Office Action and in particular the rejection of claim 1 with Applicants' attorney on October 20, 2004.

I. REJECTIONS UNDER 35 U.S.C. § 102(e):

The Examiner has rejected claims 1-15 under 35 U.S.C. § 102(e) as being anticipated by Teoman et al. (U. S. Patent No. 6,370,614) (hereinafter "Teoman"). Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request the Examiner to reconsider and withdraw these rejections.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. § 2131.

Applicants respectfully assert that Teoman does not disclose "defining a particular preload object with one or more attributes" as recited in claim 1 and similarly in claims 6 and 11. The Examiner cites Figures 6 and 10 of Teoman as disclosing the above-cited claim limitation. Paper No. 3, page 3. Applicants respectfully traverse and assert that Figure 6 of Teoman instead discloses file and driver objects that are used, in at least one embodiment, to determine the sequence in which device drivers are called to service an I/O request. Figure 10 of Teoman instead discloses an exemplary user interface generated by the user cache manager to permit the user to configure memory management and preloading policies for the user cache. Teoman further discloses that examples of preloading policies include preloading complete files in response to file segment access, preloading all files within the directory or folder of a launched application, preloading all files in a directory or folder if a threshold number of files from the directory or folder have

already been accessed, preloading files in the system directory or folder, preloading files having a particular file type identifier if a threshold number of files having the file type identifier have been accessed, and so forth. Column 15, lines 34-43. There is no language in the passages that discuss Figures 6 and 10 of Teoman that disclose defining a preload object. Neither is there any language in the passages that discuss Figures 6 and 10 of Teoman that disclose defining a preload object with one or more attributes. Thus, Teoman does not disclose all of the limitations of claims 1, 6 and 11, and thus Teoman does not anticipate claims 1, 6 and 11. M.P.E.P. §2131.

Applicants further assert that Teoman does not disclose "comparing attributes of said one or more software element objects with said one or more attributes of said particular preload object, wherein each of said one or more software element objects constitutes one or more of a device driver object, an operating system object and an application software object" as recited in claim 1 and similarly in claims 6 and 11. The Examiner cites column 14, lines 61-66 of Teoman and Figure 6 of Teoman as disclosing the above-cited claim limitations. Paper No. 3, page 3. Applicants respectfully traverse and assert that Teoman instead discloses data integrity checking which may encompass having the data in the user cache being periodically compared against the corresponding data in the mass storage device. Column 14, lines 61-63. Teoman further discloses that if the data does not match, the operating system or user (or both) may be altered so that an archive of the correct data may be generating. Column 14, lines 63-66. Comparing data in the user cache against the corresponding data in the mass storage data is not the same as comparing attributes of a software element object with attributes of a preload object. Thus, Teoman does not disclose all of the limitations of claims 1, 6 and 11, and thus Teoman does not anticipate claims 1, 6 and 11. M.P.E.P. §2131.

Furthermore, the Examiner must provide a basis in fact and/or technical reasoning to support the assertion that comparing data in the user cache against the corresponding data in the mass storage data discloses comparing attributes of a software element object with attributes of a preload object. *Ex parte Levy*, 17

U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that comparing data in the user cache against the corresponding data in the mass storage data discloses comparing attributes of a software element object with attributes of a preload object, and that it be so recognized for persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950-51 (Fed. Cir. 1999). Since the Examiner has not provided such evidence, the Examiner has not presented a *prima facie* case of anticipation in rejecting claims 1, 6 and 11. M.P.E.P. § 2131.

Furthermore, Figure 6 of Teoman instead discloses file and driver objects that are used, in at least one embodiment, to determine the sequence in which device drivers are called to service an I/O request. There is no language in the description of Figure 6 of Teoman that discloses comparing attributes of a software element object with attributes of a preload object. Thus, Teoman does not disclose all of the limitations of claims 1, 6 and 11, and thus Teoman does not anticipate claims 1, 6 and 11. M.P.E.P. §2131.

Applicants further assert that Teoman does not disclose "identifying one or more of said one or more software element objects whose attributes comprise said one or more attributes of said particular preload object" as recited in claim 1 and similarly in claims 6 and 11. The Examiner cites Figure 6 of Teoman as disclosing the above-cited claim limitation. Paper No. 3, page 3. Applicants respectfully traverse and assert that Figure 6 of Teoman instead discloses file and driver objects that are used, in at least one embodiment, to determine the sequence in which device drivers are called to service an I/O request. There is no language in the Teoman that discloses that these file and driver objects comprise attributes of a preload object. Thus, Teoman does not disclose all of the limitations of claims 1, 6 and 11, and thus Teoman does not anticipate claims 1, 6 and 11. M.P.E.P. §2131.

Applicants further assert that Teoman does not disclose "installing software associated with said identified one or more software elements objects onto a particular preload associated with said particular preload object" as recited in claim 1

and similarly in claims 6 and 11. The Examiner cites column 15, lines 34-61; column 16, lines 4-7 and Figure 12 of Teoman as disclosing the above-cited claim limitation. Paper No. 3, page 3. Applicants respectfully traverse and assert that Teoman instead discloses examples of preloading policies that include preloading complete files in response to file segment access, preloading all files within the directory or folder of a launched application, preloading all files in a directory or folder if a threshold number of files from the directory or folder have already been accessed, preloading files in the system directory or folder, preloading files having a particular file type identifier if a threshold number of files having the file type identifier have been accessed, and so forth. Column 15, lines 34-43. Teoman further discloses that the user may select a file to indicate that a particular file is to be preloaded into the user cache. Column 16, lines 4-6. Furthermore, Figure 12 of Teoman instead discloses an exemplary user interface generated by the user cache manager to permit the user to generate a report of the user cache contents, test the memory in the user cache, flush the user cache or transfer the contents of the user cache to a mass storage such as a tape backup. While Teoman discloses preloading a particular file by selecting a file associated with the file to be preloaded, there is no language in Teoman that discloses installing software associated with an identified software element object. Neither is there any language in Teoman that discloses installing software associated with an identified software element object onto a particular preload associated with a particular preload object. Thus, Teoman does not disclose all of the limitations of claims 1, 6 and 11, and thus Teoman does not anticipate claims 1, 6 and 11. M.P.E.P. §2131.

Claims 2-5, 7-10 and 12-15 each recite combinations of features including the above combinations, and thus are not anticipated for at least the above-stated reasons. Claims 2-5, 7-10 and 12-15 recite additional features which, in combination with the features of the claims upon which they depend, are not anticipated by Teoman.

For example, Teoman does not disclose "modifying an attribute of said identified one or more software element objects to match said one or more attributes of said particular preload object" as recited in claim 2 and similarly in claims 7 and

12. The Examiner cites Figure 10 of Teoman as disclosing the above-cited claim limitation. Paper No. 3, page 3. Applicants respectfully traverse and assert that Figure 10 of Teoman instead discloses an exemplary user interface generated by the user cache manager to permit the user to configure memory management and preloading policies for the user cache. There is no language in the description of Figure 10 of Teoman that discloses modifying an attribute of a software element object. Neither is there any language in the description of Figure 10 of Teoman that discloses modifying an attribute of a software element object to match one or more attributes of a preload object. Thus, Teoman does not disclose all of the limitations of claims 2, 7 and 12, and thus Teoman does not anticipate claims 2, 7 and 12. M.P.E.P. §2131.

Applicants further assert that Teoman does not disclose "wherein each of said one or more software element objects is associated with attribute data, wherein said attribute data comprises one or more of an operating system information and an installation information" as recited in claim 3 and similarly in claims 8 and 13. The Examiner cites column 6, line 56 – column 10, line 27 and Figure 6 of Teoman as disclosing the above-cited claim limitation. Paper No. 3, page 3. Applicants respectfully traverse and assert that Teoman instead discloses processing of I/O requests. Column 8, line 5 – column 10, line 27. Further, Figure 6 of Teoman instead discloses that file and driver objects are used to determine the sequence in which device drivers are called to service an I/O request. There is no language in the cited passage or in the description of Figure 6 of Teoman that discloses a software element object associated with attribute data where the attribute data includes either operating system information or installation information. Thus, Teoman does not disclose all of the limitations of claims 3, 8 and 13, and thus Teoman does not anticipate claims 3, 8 and 13. M.P.E.P. §2131.

Applicants further assert that Teoman does not disclose "wherein each of said one or more software element objects is associated with attribute data, wherein said attribute data comprises a part number" as recited in claim 4 and similarly in claims 9

and 14. The Examiner states that attributes 111 in Figure 6 points to device driver 45 in Figure 6 and that a part number is inherent in device driver 45. Paper No. 3, page 3. Applicants respectfully traverse and assert that Teoman instead discloses a driver object, e.g., element 111 of Figure 6, that includes a pointer to a lower level driver object, e.g., element 47 of Figure 6. Column 11, lines 19-26. However, there is no language in Teoman that discloses that the attributes of a driver object include a part number. Thus, Teoman does not disclose all of the limitations of claims 4, 9 and 14, and thus Teoman does not anticipate claims 4, 9 and 14. M.P.E.P. §2131.

Furthermore, Applicants respectfully assert the assertion that the attributes in a driver object inherently include a part number.¹ The Examiner must provide a basis in fact and/or technical reasoning to support the assertion that the attributes in a driver object inherently include a part number. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that the attributes in a driver object inherently include a part number, and that it be so recognized for persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950-51 (Fed. Cir. 1999). Since the Examiner has not provided such evidence, the Examiner has not presented a *prima facie* case of anticipation in rejecting claims 4, 9 and 14. M.P.E.P. § 2131.

Applicants further assertion that Teoman does not disclose "transmitting one or more part numbers associated with said identified one or more software element objects to a manufacturing system; and retrieving software associated with said identified one or more software element objects based on said one or more part numbers" as recited in claim 5 and similarly in claims 10 and 15. The Examiner cites column 1, lines 60-63 and Figure 5 of Teoman as disclosing the above-cited claim limitations. Paper No. 3, page 4. Applicants respectfully traverse and assert that Teoman instead discloses that a buffer memory of a self-buffered mass storage device

¹ Applicants assume that the Examiner meant to state that the attributes in a driver object inherently include a part number instead of stating "where part number is inherent in device driver 47." Applicants do not understand the connection with a part number in device driver 47 when Figure 6 illustrates attributes in driver object 111.

typically cannot be used to buffer data from other non-buffered mass storage devices in the computer system or data from mass storage devices outside the computer system such as network servers. Teoman further discloses that Figure 5 illustrates the processing of I/O requests. There is no language in Teoman that discloses transmitting a part number. Applicants have performed a word search of the term "part number" and were unable to identify the term "part number" or any variation thereof. Neither is there any language in Teoman that discloses transmitting a part number associated with a software element object to a manufacturing system. Neither is there any language in Teoman that discloses retrieving software associated with a software element object. Neither is there any language in Teoman that discloses retrieving software associated with a software element object based on a part number. Thus, Teoman does not disclose all of the limitations of claims 5, 10 and 15, and thus Teoman does not anticipate claims 5, 10 and 15. M.P.E.P. §2131.

As a result of the foregoing, Applicants respectfully assert that not each and every claim limitation was found within Teoman, and thus claims 1-15 are not anticipated by Teoman.

II. CONCLUSION

As a result of the foregoing, it is asserted by Applicants that claims 1-15 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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